

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:23-CR-00066-RJC-SCR

USA

v.

DAQUAN HAMPTON

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ORDER

THIS MATTER comes before the Court on the pro se motion of Phu Lam (Petitioner), (Doc. No. 21), seeking the return of a firearm seized by law enforcement and the government's response in support, (Doc. No. 22), pursuant to Fed. R. Crim. P. 32.2(c) and 21 U.S.C. § 853(n).

A person asserting a legal interest in property forfeited to the United States in a criminal case may petition a court for a hearing to determine the validity of the alleged interest within thirty days of receiving notice of forfeiture. 21 U.S.C. § 853(n)(2). Here, the Court entered a Consent Order and Judgment of Forfeiture on August 1, 2023, including a Glock, Model 19, 9 mm pistol, serial number BTCH219 and ammunition the defendant used to commit a robbery. (Doc. No. 18). The government provided notice to the petitioner on August 3, 2023, (Doc. No. 20), who filed the only claim on August 22, 2023, (Doc. No. 21). The government investigated the petitioner's assertion that the gun was stolen from him and determined that he is not barred from owning a firearm. Accordingly, the Court finds the claim should be granted.

IT IS, THEREFORE, ORDERED that the petitioner's claim, (Doc. No. 21), is **GRANTED** and the Consent Order and Judgment of Forfeiture, (Doc. No. 18), is amended to dismiss the property described above. The government shall promptly return the property to the petitioner.

Signed: September 15, 2023

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

